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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,993	11/10/2000	Matthew Brown	CON1350-011B	4667
7590	03/08/2005		EXAMINER	
			GRAHAM, CLEMENT B	
			ART UNIT	PAPER NUMBER
			3628	
DATE MAILED: 03/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/709,993	BROWN ET AL. 
	<b>Examiner</b>	<b>Art Unit</b>
	Clement B Graham	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 July 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 13-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 13-52 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>. Paper No(s)/Mail Date <u>6/17/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

1. Claims 1-12 has been cancelled and claims 13-52 has been added.

### **Claim Rejections - 35 USC § 101**

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-52, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, claims 13-52, do not recite any structure or functionality to suggest that a computer performs the recited claims. Thus, claims 13-52, are rejected as being directed to non-statutory subject matter. Applicant's is advised to imbed a computer in the body of the claims.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Peters et al(Hereinafter Peters U.S Patent 5,696,906.

As per claims 13-26, Peters discloses a method in a computer system for providing a customer billing statement for a plurality of different communications services, the method comprising the steps of:

- (a) formatting a customer billing statement to create a formatted billing statement form, the step of formatting comprising the steps of:
  - (i) creating a plurality of statement presentation codes, each statement presentation code comprising one or more attributes for dictating the presentation of transaction information on a customer billing statement (Note abstract and see figure 4 and column 2 lines 15-43 and see column 6 lines 45-67 and column 7-9 lines 5-67)
  - (ii) creating a plurality of user-selected sections, each section having at least one of said statement presentation codes being selected by a user,
  - (iii) creating a plurality of segments, each segment having at least one of said sections (see figure 4 and column 2 lines 15-43 and see column 6 lines 45-67 and column 7-9 lines 5-67)
  - (iv) assigning at least one statement presentation code from said plurality of statement presentation codes to at least one section from said plurality of sections,
  - (v) assigning at least one section from said plurality of sections to each one of said plurality of segments (Note abstract and see figure 4 and see column 6 lines 45-67 and column 7-9 lines 5-67) and
- (b) entering billing information relating to a plurality of communications services provided to a customer into said formatted billing statement form in accordance with said segments, said sections, and said statement presentation codes to create a completed billing statement; and
- (c) providing said completed billing statement to said customer. (Note abstract and see figure 4 and column 2 lines 15-43 and see column 6 lines 45-67 and column 7-9 lines 5-67).

As per claims 27-39, Peters discloses a method in a computer system for providing a customer billing statement for a plurality of different communications services, the method comprising the steps of:

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(a) formatting a customer billing statement to create a formatted billing statement form, the step of formatting comprising the steps of:

(i) creating a plurality of statement presentation codes, each statement presentation code comprising one or more attributes for dictating the presentation of transaction information on a customer billing statement (see figure 4 and column 2 lines 15-43 and see column 6 lines 45-67 and column 7-9 lines 5-67).

(ii) creating a plurality of user-selected sections, each section having at least one of said statement presentation codes being selected by a user .(Note abstract and see figure 4 and column 2 lines 15-43 and see column 6 lines 45-67 and column 7-9 lines 5-67)

(iii) creating a plurality of segments, each segment having at least one of said sections,

(iv) assigning at least one statement presentation code from said plurality of statement presentation codes to at least one section from said plurality of sections.(Note abstract and see figure 4 and see column 6 lines 45-67 and column 7-9 lines 5-67) and

(v) assigning at least one section from said plurality of sections to each one of said plurality of segments;

(b) receiving input representing a preference of a customer for separate billing statements, wherein each of said separate billing statements relates to one or more different communications services provided to said customer (Note abstract and see figure 4 and column 2 lines 15-43 and see column 6 lines 45-67 and column 7-9 lines 5-67)

(c) entering billing information relating to a plurality of services provided to said customer into said formatted billing statement form in accordance with said segments, said sections, said statement presentation codes, and said input to create one or more completed billing statements.(Note abstract and see figure 4 and column 2 lines 15-43 and see column 6 lines 45-67 and column 7-9 lines 5-67) and

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(d) providing said one or more completed billing statements to said customer (Note abstract and see figure 4 and column 2 lines 15-43 and see column 6 lines 45-67 and column 7-9 lines 5-67).

As per claims 40-52, Peters discloses a method for providing a customer billing statement for a plurality of different communications services, the method comprising the steps of:

(a) formatting a customer billing statement to create a formatted billing statement form, the step of formatting comprising the steps of:

(i) creating a plurality of statement presentation codes, each statement presentation code comprising one or more attributes for dictating the presentation of transaction information on a customer billing statement (Note abstract and see figure 4 and see column 6 lines 45-67 and column 7-9 lines 5-67) and

(ii) creating a plurality of user-selected sections, each section having at least one of said statement presentation codes being selected by a user (Note abstract and see figure 4 and see column 6 lines 45-67 and column 7-9 lines 5-67) and

(iii) creating a plurality of segments, each segment having at least one of said sections,

(iv) assigning at least one statement presentation code from said plurality of statement presentation codes to at least one section from said plurality of sections (Note abstract and see figure 4 and see column 6 lines 45-67 and column 7-9 lines 5-67) and

(v) assigning at least one section from said plurality of sections to each one of said plurality of segments (Note abstract and see figure 4 and see column 6 lines 45-67 and column 7-9 lines 5-67) and

(b) entering billing information relating to a plurality of communications services provided to a customer into said formatted billing statement form in accordance with said segments, said sections, and said statement presentation codes to create one or more statement export files; and

(c) providing said one or more statement export files to a print vendor for printing one or more completed billing statements. (Note abstract and see figure 4 and see column 6 lines 45-67 and column 7-9 lines 5-67).

### Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.  
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

February 25, 2005

  
CLEMENT B GRAHAM  
PTO EXAMINER  
AU 3628